

Paul J. McNally, as he is Trustee,  
Massachusetts Laborers' Health &  
Welfare Fund, et al

C.A. No. 03-12550 NG

Plaintiff(s)

v.

ODF Contracting Co., Inc., Defendant(s)

Citizens Bank, Trustee

SUMMONS TO TRUSTEE

To the above-named Trustee:

You are hereby summoned and required to file, within 20 days after service of this summons upon you, exclusive of the day of service, a disclosure under oath of what goods effects or credits, if any, of the defendant ODF Contracting Co., Inc. of 60 Girard Street, Roxbury, MA 02119

are in your hands or possession at the time of the service of this summons upon you which may be taken on execution issued upon such judgment, if any, as the plaintiff Paul J. McNally, as he is Trustee of Mass. Laborers' H&W Fund, 14 N.E. Executive Park Suite #200, P.O. Box #4000, Burlington, MA 01803-0900 whose attorney is Anne R. Sills of Segal, Roitman & Coleman

11 Beacon Street, Suite #500, Boston, MA 02108 may recover in an action brought against the said defendant in this Court to the value of \$80,481.08 (the amount authorized). Such goods, effects or credits are hereby attached. If you do not do so, judgment by default will be taken against you and you will be adjudged trustee as alleged.

The complaint in this case was filed on December 19, 2003. This attachment was approved on 1/18 by The Honorable Nancy Gertner, in the amount of \$80,481.08.

If the credits of the said defendant which are in your hands or possession include wages for personal labor or personal services of said defendant, you are hereby notified that an amount not exceeding \$125 per week of such wages are exempt from this attachment and you are directed to pay over such exempted amount to said defendant in the same manner and at the same time as each such amount would have been paid if this attachment had not been made.

If the said credits include a pension payable to said defendant which is not otherwise exempt by law from attachment, you are hereby notified that an amount not exceeding \$100 for each week which has elapsed since the last preceding payment under such pension was payable to said defendant, and \$100 per week hereafter, are exempt from this attachment and you are directed to pay over such exempted amounts to said defendant in the same manner and at the same time as each such amount would have been paid if this attachment had not been made.

If you are a trust company, savings bank, cooperative bank, credit union, national banking association, or any other banking institution doing business in the Commonwealth, and if the credits of the said defendant in your hands include an account or accounts in the name of any natural person, you are hereby notified that pursuant to Massachusetts General Laws, c.246, Section 28A, \$500 owned by the said defendant (if a natural person) are exempt from this attachment (a joint account to be treated for this purpose as if each depositor owned one-half of the amount thereof). No business, trust, or organization shall be entitled to this exemption, and no natural person shall be entitled to more than a \$500 exemption at any one time.

Dated at Boston, Massachusetts, this 22 day of January, 2004.

Tony Anastas, Clerk